

for  
**MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Tuesday, October 2, 2001, 9:30 A.M.**

**ACTION CALENDAR:**

1. **A-5651, Petition of George M. Brady** (one-story addition/pool shelter). Letter to the Board from the petitioner requesting a postponement.

Action: Granted postponement, (AMC/LLM, 5-0).

**Board Members**

Donald H. Spence, Jr., Chairman  
Donna L. Barron, Vice Chairman  
Louise L. Mayer  
Angelo M. Caputo  
Allison Ishihara Fultz

**Staff**

Sherry Glazer, Assistant County Attorney  
Katherine Freeman, Executive Secretary to the Board  
Hermene Jones, Administrative Specialist

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**Second Floor Davidson Memorial Hearing Room**

**Tuesday, October 2, 2001, 9:30 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, September 19, 2001 Worksession.

Action: Approved, (AMC/LLM, 5-0).

2. **Order Extending Time for the Board's Written Opinion** for 30-days is required in the following cases:

- (a) **A-5604, Appeal of Battery Park Citizens Association, Inc.** (Department of Permitting Services – Findings of requested investigations). Hearing held 6/13/01.
- (b) **S-570 [CBA-2973], Petition of Izaak Walton League** (shooting range). Show Cause Hearing. Hearing held 7/18/01.
- (c) **S-2475, Petition of Williams Communications, Inc.** (public utility building, public utility structures and telecommunication facilities). Hearing held 7/11/01.
- (d) **S-5606, Appeal of Robert Zarnetske** (Department of Permitting Services – Findings of Requested Investigations). Hearing held 7/11/01.

Action: Granted Order Extending Time for the Board's Written Opinion for 30 days, (DLB/LLM, 5-0).

3. **A-5593, Petition of Marta A. Fuentes** (existing shed). Letter to the Board from the petitioner requesting reconsideration.

Action: Denied reconsideration request, (LLM/AMC, 5-0).

4. **A-5643, Appeal of Larry N. Thompson** (Department of Permitting Services – Denial of Application for Non-Conforming Use). Letter to the Board from Harry W. Lerch, Esquire, requesting that the appeal be referred to the Hearing Examiner.

Action: Denied request to refer administrative appeal to the Hearing Examiner, (LLM/AMC, 5-0).

5. **A-5655, Petition of Carlos D. and Brenda K. Souto** (garage addition). Letter to the Board from the petitioner withdrawing the variance request and requesting a refund of the filing fee.

Action: Granted 50% refund in accordance with the Board's Rules of Procedure, (AIF/AMC, 5-0).

6. **CBA-334-B [CBA-334, CBA-334-A], Petition of The Old Georgetown Club** (community swimming pool). Letter to the Board from the Robert Curtis, agent for Peter Downes, President, requesting a minor modification.

Action: Granted administrative modification, (DLB/LLM, 5-0).

7. **CBA-1057, Petition of William Polglase and S-352, Petition of C. M. and Joan Kinney** (private riding stable). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting revocation of the special exceptions.

Action: Schedule Show Cause Hearing, (LLM/AMC, 5-0).

8. **CBA-1510 [CBA-1511], Petition of Sixty-Nine Hundred Wisconsin Incorporation N. V.** (off-street parking). Letter to the Board from Marylou Thibodeau, Senior Property Manager, ARC Management, notifying the Board of the change of name of the special exception holder and to request an administrative modification.

Action: (1) Record opened to include Ms. Thibodeau's letter; (2) denied administrative modification request; (3) schedule Show Cause Hearing, (DLB/LLM, 4-1/AMC/against).

9. **CBA-1999 [CBA-1999-A, CBA-1999-B], Petition of Star Enterprise** (automobile filling station). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception is out of compliance with its terms and conditions.

Action: Schedule Show Cause Hearing, (AMC/AIF, 5-0).

10. **CBA-2094, Petition of Herbert H. Hughes** (trailer park). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting the Board convene a public hearing to determine whether or not the special exception was abandoned and whether or not the special exception should be revoked. Also included is a letter to Mr. Garber from Jody S. Kline, Esquire.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

11. **CBA-2749, Petition of Harry Simms** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting an administrative modification.

Action: Granted administrative modification, (AMC/DLB, 5-0).

12. **S-775, [S-776, S-777], Petition of National Organization for Adaptive Housing** (group residential facilities). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting that the special exceptions be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

13. **S-1290, Petition of Douglas Pincock and Roger Kuwabara** (medical practitioners' office). Letter Board from Dennis M. Ettlin, Esquire, notifying the Board that Dr. Kuwabara no longer practices at this location and requesting an administrative modification.

Action: (1) Granted administrative modification request; (2) Board's resolution to specify the number of patients, the number of support staff, and (3) request that the petitioner submit an approved landscape and lighting plan into the record, (LLM/AMC, 5-0).

14. **S-1922, Petition of Sandy Spring National Bank** (general bank office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting that the Board rescind his memorandum of 5/30/01, requesting a Show Cause Hearing.

Action: Board rescinded Show Cause Hearing, (DLB/AIF, 5-0).

15. **S-1978, Petition of Lin Ping Kuo** (accessory apartment). Letter to the Board from Robert A. Bell, Jr., Inspector, Department of Housing and Community Affairs (DHCA), requesting that the special exception be revoked. Also included is a letter from Nicolette Bakker, current property owner, requesting revocation of the special exception.

Action: Revoked special exception, (AMC/LLM, 5-0).

16. **S-2079, Petition of Albert F. Reluzco** (landscape contractor). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception is not in compliance and requesting that the Board take action.

Action: Schedule Show Cause Hearing, (AMC/DLB, 5-0).

17. **S-2423, Petition of National Senior's Housing Corporation** (elderly or handicap housing). Letter to the Board from Jody S. Kline, Esquire, requesting a transfer of the special exception.

Action: Granted administrative modification request, (AMC/DLB, 5-0).

18. **S-2462, Petition of Victory Housing, Inc.** (housing for the elderly). Letter to the Board from Norman G. Knopf, Esquire, attorney for Potomac Citizens Association, requesting a joint motion for reconsideration/modification and request for additional time to supplement motion.

Action: Granted joint motion for reconsideration/modification and the request for additional time to supplement motion, (DLB/AIF, 5-0).

19. **S-2473, Petition of Adnan Haider** (accessory apartment). Letters to the Board from L. Morgan Bates (Marguerite) and Suzanne McLaughlin, neighbors, regarding the special exception.

Action: Board to request Department of Housing and Community Affairs (DHCA) inspection of the special exception, consensus.

## **DECISIONS:**

20. **A-5639, Petition of Germantown Station Limited Partnership** (a parking lot). (Large exhibits: landscape plan, photometric plan, and landscape and lighting plan).

Action: Item to return to the 10/16/01 worksession.

**INFORMATION ITEMS:**

21. **CBA-167, [CBA-294, CBA-468, CBA-617, CBA-708, CBA-1478, S-689, S-689-A] Petition of Kenwood Golf and Country Club** (golf and country club). Letter to the Board from Stanley N. Garber, Zoning Investigator, Department of Permitting Services (DPS), notifying the Board of complaints received concerning the country club.

Action: (1) Board to review information submitted by DPS; (2) special exception holder to be notified of the Board's receipt of the letter regarding the safety concerns; (3) Board to send letter to the State Highway Administration/DOT regarding DPS' letter, consensus.

22. **CBA-1202-A [S-2463], Petition of Bar-T Inc.** (day camp). Letter to the Board from Yum Yu Cheng, Esquire, with the 2001 annual report for the operation of the special exception.

Action: Re-opened record to include 2001 annual report, (LLM/AMC, 5-0).

23. **S-420-E, Petition of Holy Cross Hospital** (hospital). Letter to the Board from Cornelius P. McKelvey, Senior Vice President, notifying the Board of a temporary trailer to house hospital staff and community members programs.

Action: Re-opened record to include Mr. McKelvey's letter, (AMC/AIF, 5-0).

**PENDING ITEMS:**

24. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr. , et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS< notifying the Board of the special exceptions outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

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